



STATE OF WEST VIRGINIA  
OFFICE OF THE ATTORNEY GENERAL  
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CONSUMER PROTECTION DIVISION  
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# Press Release

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**ATTORNEY GENERAL DARRELL MCGRAW  
WILL VISIT RANDOLPH COUNTY COURTHOUSE  
TO DISTRIBUTE OVER \$100,000 IN REFUNDS TO  
CONSUMERS FROM CEMETERY LAWSUIT**

Attorney General Darrell V. McGraw, Jr., will visit the Randolph County Courthouse lawn on Friday, April 16, 2004, at 11:00 a.m., to announce the successful resolution of his lawsuit against a local cemetery, and to distribute refunds to Elkins-area consumers.

Last year, McGraw's Consumer Protection Division filed suit against Heritage Group, Inc., d/b/a Elkins Memorial Gardens, an Elkins-area cemetery which sold preneed burial crypts in a nonexistent mausoleum, then squandered consumers' money before the mausoleum could be built. Since 1996, the company's salesmen had appeared at consumers' homes offering large discounts on burial crypts if consumers purchased them in advance. They promised reluctant consumers that the mausoleum would be built right away, but more than six years later there was still no mausoleum in sight. The company also ignored state laws requiring sellers of preneed burial crypts to set aside 40% of sales proceeds in trust, to safeguard consumers' money until the crypts were needed. Over the years, Elkins Memorial Gardens received more than \$100,000 from area consumers to build the mausoleum, but by 2003 most of the money was gone.

The cemetery also drew attention due to its treatment of customers who passed away before the mausoleum could be built. In those cases, the cemetery refused to refund the money, and told grieving relatives that their only alternative was to entomb their loved ones in an unattractive concrete outbuilding on the cemetery grounds. Pictures showed piles of garbage strewn around the bunker-like structure, as well as stacks of cemetery inventory and seemingly-abandoned vehicles nearby. In contrast, state law requires that the cemetery provide accommodations which are similar in size, style and quality anytime substitutions become necessary.

The owners of the cemetery agreed to settle the case in July 2003, and were ordered by Circuit Judge John L. Henning to pay refunds in installments totaling \$109,488.01 by January 20, 2004. When that deadline came, the defendants had produced only \$20,000 of the \$109,488.01. McGraw's office was forced to petition the Circuit Court of Randolph County to hold the owners in contempt of court, and the owners finally produced the remaining balance.

Attorney General McGraw will personally present consumers with their refund checks on the Randolph County Courthouse lawn this Friday, April 16, 2004, at 11:00 a.m. In the event of rain, the press conference will be held at the County Commission Annex, beside the Courthouse.

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